IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10797 of 2001
with
SPECIAL CIVIL APPLICATION No. 10802 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

HOTEL KARNAVATI
Versus
MADHUSUDAN BHIKABHAI

Appearance:
1. Special Civil Application No. 10797 of 2001
MR MUKESH R SHAH for Petitioner No. 1
RULE SERVED for Respondents No. 1-2
MR GIRISH M DAS for Respondent No. 3

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 18/02/2002

COMMON ORAL JUDGEMENT

With the consent of the parties the matters are taken up for final hearing. These petitions are filed challenging the judgement and award of the Labour Court, Ahmedabad on the ground that the same are ex parte awards and that for the reasons mentioned in these petitions,

the petitioner management could not remain present before the Labour Court, Ahmedabad and could not defend its case before the Labour Court.

2. After the matter was discussed for some time a consensus was arrived at to the effect that; on the condition that the management will pay cost to each of the respondent workman for coming to this Court, the judgement and award of the court below be quashed and set aside being ex parte. The matters be remanded to the Labour Court, Ahmedabad with a view to decide the same afresh after giving an opportunity to the management to present its case. Shri Mukesh R. Shah, learned advocate for the petitioner management assures this Court that they will not be seeking any adjournment unless it is absolutely must, to enable the court below to decide the matter at the earliest and preferably in a time bound schedule prescribed by this Court.

3. In the result, both these petitions are allowed. The judgement and award of the Labour Court, Ahmedabad in Reference (LCA) No.180 of 1995 and (LCA) No.356 of 1994 are quashed and set aside on condition that the petitioner management shall pay a sum of Rs.2,500/-, (Rupees two thousand and five hundred only) to each of the respondent of these petitions towards cost. The Labour Court, Ahmedabad is directed to decide these matters afresh after giving an opportunity to the management to present its case, as early as possible, but not later than 15th July 2002. Rule is made absolute to the aforesaid extent only.

(Ravi R. Tripathi, J.)

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